

2012 MUNICIPAL/SCHOOL ELECTION WORKSHOP

Sponsored by

Secretary of State Jason M. Gant

South Dakota Municipal League

Associated School Boards of South Dakota

Morning Agenda

- Election Code and Precinct Manual
- Election Types and Dates
- Public Notices
- Voter Registration and Residency
- Conflict of Interest
- Petitions
- No Candidates, Vacancies

Election Types and Dates

MUNICIPALITIES – 4 OPTIONS:



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(SDCL 9-13-1)

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- First Tuesday after the first Monday in June.
(SDCL 9-13-40)

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- First Tuesday after the first Monday in June.
(SDCL 9-13-40)
- Combine with the school on the second Tuesday in April, first Tuesday after the first Monday in June or the third Tuesday in June.
(SDCL 9-13-1.1)

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- First Tuesday after the first Monday in June.
(SDCL 9-13-40)
- Combine with the school on the second Tuesday in April, first Tuesday after the first Monday in June or the third Tuesday in June.
(SDCL 9-13-1.1)
- *If the school election is combined with a municipal election on a date other than the second Tuesday in April, all dates follow SDCL 13-7.*

SCHOOLS – 3 OPTIONS:



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(SDCL 13-7-10)

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(SDCL 13-7-10.1)

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(SDCL 13-7-10)

- Combine with municipality on the second Tuesday in April, first Tuesday after the first Monday in June, or on the third Tuesday in June.

(SDCL 13-7-10.1)

- On even numbered years, you may combine with the Primary Election on the first Tuesday after the first Monday in June.

(SDCL 13-7-10.3)

Combining municipal & school elections

- Very popular
- Time and money saver
- Lay out agreement in writing with contingencies
- Any election may be combined if deadlines permit
(SDCL 12-2-6)
- Pay attention to the deadlines with Primary and General Elections

Notify the Secretary of State

- 12-2-7: If any political subdivision of the state sets a date and time for conducting a public election, within 15 days the person in charge of the election shall notify the Secretary of State in writing or by telephone or by e-mail.

Public Notices





Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

2013 MUNICIPAL ELECTION CALENDAR

	Second Tuesday in April	First Tuesday after the first Monday in June	Combine with school on third Tuesday in June
The governing board must establish the election date no later than January 14 th of the election year if they choose a different election date other than the 2 nd Tuesday in April. (9-13-1)	April 9 th	June 4 th	June 18 th
The person in charge of the election must notify the Secretary of State when the election will take place by e-mail, letter, fax, or telephone. (12-2-7)	Immediately	Immediately	Immediately
Publish notice of vacancies and time and place for filing petitions each week for two consecutive weeks. (9-13-6 or 9-13-40 & 05:02:04:06 ; 13-7-5 & 5:02:04:14)	January 15 th - January 30 th	February 15 th - March 1 st	March 15 th - March 30 th



Earliest date to begin petition circulation and earliest date to file nominating petition. (9-13-9 , 9-13-40 & 13-7-6)	January 25 th	March 1 st	April 9 th
Publish first deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 05:02:04:04)	March 4 th - March 8 th	April 29 th - May 3 rd	May 13 th - May 17 th
Deadline for filing nominating petition. (9-13-7 , 9-13-40 & 13-7-6)	February 22 nd 5:00 pm	March 26 th 5:00 pm	May 10 th 5:00 pm
Deadline for submission of written request to withdraw candidate's name from nomination. (9-13-7.1 , 13-7-7)	February 22 nd 5:00 pm	March 26 th 5:00 pm	May 10 th 5:00 pm
In the event of no contest due to the death or withdrawal of a candidate, one notice of cancellation of municipal election is required. (9-13-7.1 & 05:02:04:21)	February 22 nd 5:00 pm	March 26 th 5:00 pm	May 10 th 5:00 pm
Publish last deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 5:02:04:04)	March 11 th - March 15 th	May 6 th - May 10 th	May 20 th - May 24 th
Deadline for voter registration. (12-4-5)	March 25 th	May 20 th	June 3 rd
Absentee ballots must be made available no later than 15 days prior to the election. (9-13-21)	March 25 th	May 20 th	June 3 rd





Publish notice of election that needs to be published each week for two consecutive weeks. First publication must be at least 10 days before election. (9-13-13 & 05:02:04:08 or 13-7-8 & 5:02:04:15)	March 25 th - April 5 th	May 20 th - May 31 st	June 3 rd - June 14 th
Publish facsimile ballot in the calendar week before the election. The calendar week falls from the Monday to the Saturday of the week prior to the Tuesday of Election Day. (9-13-13)	April 1 st - April 6 th	May 27 th - June 1 st	June 10 th - June 15 th
Automatic tabulating systems only. Conduct a public test of the system. Must publish notice 48 hours before test. (12-17B-5 & 5:02:09:01.01)	March 30 th - April 8 th	May 25 th - June 3 rd	June 8 th - June 17 th
Election Day. Polls open 7:00 am to 7:00 pm. (9-13-1)	April 9 th	June 4 th	June 18 th
Deadline for official canvass. (9-13-24)	April 16 th	June 11 th	June 25 th

Note: If the school election is combined with a municipal election on a date other than the 2nd Tuesday in April, all dates follow [SDCL 13-7](#) (except when combined with the county for a primary election).

Notify County Auditor: Contact your county auditor when you know you will have an election and ask if he/she can be available from 7:00 am to 7:00 pm on that date to answer questions regarding voter registration.



PUBLIC NOTICES

- All public notices required by law by jurisdiction, shall include an inscription listing the approximate cost of the newspaper publication.

(SDCL 17-2-28)

- This inscription shall be printed in the same type size as the body of the notice and located at the top or bottom of the public notice.

(SDCL 17-2-28)

FORMS OF NOTICES

- Notice of vacancy on school board.
(ARSD 5:02:04:14)
- Notice of vacancy for municipal election.
(ARSD 5:02:04:06)
- Notice of deadline for voter registration.
(ARSD 5:02:04:04)
- Notice of school board election.
(ARSD 5:02:04:15)
- Notice of municipal election.
(ARSD 5:02:04:08)

FORMS OF NOTICES

- Notice of cancellation of municipal election.
(ARSD 5:02:04:21)
- Notice of special election.
(ARSD 5:02:04:09)
- Facsimile ballot published in the calendar week prior to the election.
(SDCL 12-16-16)

WHAT IF I MISSED A NOTICE?

- Do not panic!
- Be sure to inform your attorney and follow his/her advice.
- Have the paper publish the missed notice if there is still time before the deadline.
- Post the notice in areas within your jurisdiction.
- Mail notice to all residents or registered voters.
- The election may be challenged due to the missed or incorrect notices.

Questions?



Who can vote?

Voter registration and residency

MUNICIPAL REQUIREMENTS

- Registration and residence required to vote in municipal election. (SDCL 9-13-4.1)
 - No person may vote at any municipal election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the municipality at the time of the election.
 - A person resides in the municipality if the person actually lives in the municipality for at least thirty days each year, is a full-time postsecondary education student who resided in the municipality immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the municipality.

SCHOOL REQUIREMENTS

- Registration and residence required to vote in municipal election. (SDCL 13-7-4.2)
 - No person may vote at any school election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the school district at the time of the election.
 - A person resides in the school district if the person actually lives in the school district for at least thirty days each year, is a full-time postsecondary education student who resided in the school district immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the school district.

VOTER REGISTRATION LOCATIONS

- County auditor's office;
- City finance office;
- Driver's license station;
- Public assistance agencies providing food stamps, TANF or WIC;
- Department of Human Services offices which provide assistance to the disabled;
- Military recruitment offices
- Secretary of State's Office
- Download registration card from www.sdsos.gov;

IMPORTANT REMINDERS

- Voter registration deadline is 5:00 p.m. fifteen days preceding the election.
(SDCL 12-4-5)
- It shall be the duty of officials in charge of local elections to notify the county auditor at least thirty days preceding their local elections, of the precinct boundary changes if any have been made.
(SDCL 12-14-1.1)
- When the boundaries of any election precinct shall be changed, the county auditor shall immediately change the registration list.
(SDCL 12-4-11)

Questions?



Conflict of Interest



MUNICIPALITY REQUIREMENTS

- Must have resided in the municipality for three months prior to the election.
(SDCL 9-14-2)
- May not be a defaulter to the municipality.
(SDCL 9-14-2)

SCHOOL REQUIREMENTS

- No teacher in that district.
(SDCL 13-43-1)
- If representation areas exist, a school board member candidate must reside within the school board member representation area.
(SDCL 13-8-7.1)

GENERAL REQUIREMENTS

- Elected or appointed officers of local governments are generally barred from being interested in any contract with their respective entities.

(SDCL 3-16-7, 6-1-1, 13-20-2.1)

- Several exceptions exist...

(SDCL 5-18-3, 6-1-2, 6-1-3, 13-20-2.1)

(SD Const. Art. VIII Sec. 17)

(AGR 82-22, 89-11)

- Every case is different, so it is important to review the corresponding statutes and Attorney General opinions for every situation.

Questions?



Petitions



PETITIONS

- Prescribed by the State Board of Elections and are found in ARSD 5:02:08.
 - Nominating petition for school board member.
(ARSD 5:02:08:11)
 - Nominating petition for municipal election.
(ARSD 5:02:08:13)
 - Municipal Initiative & Referendum.
(ARSD 5:02:08:15 & 5:02:08:16)
 - Tax Levy Opt-out
(ARSD 5:02:08:41)

SIGNATURE REQUIREMENTS

- 1st and 2nd class municipalities (SDCL 9-13-9):
 - 15 registered voters per 1,000 population.
 - Ward: 5% of registered voters based on the last general election.
 - No petition needs to be signed by more than 50 voters.
- 3rd class municipalities (SDCL 9-13-9):
 - 10 registered voters for citywide and 5 for a ward.
- School (SDCL 13-7-6):
 - 20 registered voters.

FILING PROCEDURE

- Date stamp and time stamp received petitions.
- Verify signatures pursuant to ARSD 5:02:08:00 and 5:02:08:00.01.
- Check voter registration for school board member petitions.
- File completed petitions.

GUIDELINES FOR ACCEPTANCE

- ARSD 5:02:08:00
- The petition is in the form required by this chapter;
- The petition contains the minimum number of valid signatures, counted according to 5:02:08:00.01. One or more invalid signatures on a petition section do not disallow other valid signatures on the section;
- Each section of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. The verification was completed and signed before an officer authorized to administer oaths;

GUIDELINES FOR ACCEPTANCE

- The declaration of candidacy contains the original signature of the candidate. Additional sections may have an original or photocopied signature of the candidate;
- If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the secretary of state;
- The governing board or person authorized by statute to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the signature lines or circulator's verification on his or her petition provided the filing deadline has not passed; and
- Following the presentation of the petition for filing, names may not be removed from the petition. Except for petitions to nominate candidates for school boards, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. Petitions containing signatures in excess of the minimum number may be filed, but the excess signatures will be disregarded.

COUNTING SIGNATURES

- ARSD 5:02:08:00.01
- The form of the petition does not meet the requirements of this chapter;
- The circulator's verification is not completed or is improperly completed, according to subdivision 5:02:08:00(3) unless the missing information is completed elsewhere on the petition sheet. A completed circulator's verification must include the printed name of the circulator, the circulator's residence address as provided in subdivision 5:02:08:00.01(2)(c), and complete date; or

COUNTING SIGNATURES

- The declaration of candidacy has not been completed on or after the first date authorized by statute to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in South Dakota; or
- The circulator's verification was signed by more than one circulator; and
- It was signed prior to the signing of the candidate's declaration of candidacy or, if for a ballot question, it was signed before a copy of the text was filed with the secretary of state;
- It was signed after the circulator completed the verification;

COUNTING SIGNATURES

- The residence address does not include a street and house number or a rural route and box number and the town. If the signer is a resident of a second or third class municipality, a post office box number may be used. If the signer does not have a residence address or post office box number, a description of the residence location must be provided. If the signer is a resident of a building with a publicly known name, the building name may be used;
- The date of signing, including month and day, is not indicated;
- The signer's name is not printed and legible; or
- The signer's county of voter registration is not provided.

NOMINATING PETITION FOR PARTISAN ELECTION REPUBLICAN PARTY

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of Legislative District 10 of South Dakota and members of the Republican Party, nominate Gene G. Abdallah, of Lincoln County, South Dakota, whose mailing address is 4908 S Glenview Road, Sioux Falls, SD 57108, as a candidate for the office of State Senate, District 10 at the Primary Election to be held June 4, 2002.

DECLARATION OF CANDIDATE

I, Gene G. Abdallah (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate, that I am registered to vote as a member of the Republican Party, and that if I am a legislative candidate I reside in the district from which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed)

Gene G. Abdallah

Sworn to before me this 5th day of February, 2002.

(Seal)

My Commission Expires September 17, 2007.

Signature of Officer Administering Oath

Notary Public

Title of Officer Administering Oath

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer of the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer of the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME		RESIDENCE	DATE/COUNTY
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>Y. H. I. Chetien</i>	<i>Harrisburg SD 57032</i>	<i>Lincoln</i>
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>Norman P. Grogan</i>	<i>26969 480th Ave</i>	<i>2-26-02</i>
PRINT	<i>Norman Grogan</i>	CITY OR TOWN	COUNTY OF REGISTRATION
		<i>Sioux Falls SD</i>	<i>Lincoln</i>
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>Jacques Philippe</i>	<i>106 W. Carnegie</i>	<i>2-28-02</i>
PRINT	<i>JACQUES PHILIPPE</i>	CITY OR TOWN	COUNTY OF REGISTRATION
		<i>Sioux Falls SD 57108</i>	<i>Lincoln</i>
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>Samuel</i>	<i>5054 Sweetbriar Pl</i>	<i>2-28-02</i>
PRINT	<i>ROD SORELL</i>	CITY OR TOWN	COUNTY OF REGISTRATION
		<i>Sioux Falls S.D.</i>	<i>Lincoln</i>
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>A. Russell Galloway</i>	<i>4821 Sunflower Trail</i>	<i>2-28-02</i>
PRINT	<i>A. Russell Galloway</i>	CITY OR TOWN	COUNTY OF REGISTRATION
		<i>Sioux Falls, S.D. 57108</i>	<i>Lincoln</i>
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	<i>Ken Bertness</i>	<i>101 Dakota</i>	<i>2/28/02</i>
PRINT	<i>KEN BERTNESS</i>	CITY OR TOWN	COUNTY OF REGISTRATION
		<i>Valley Springs, SD</i>	<i>Meade</i>

RECEIVED

MAR 12 2002

STATE

29

4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

	NAME	RESIDENCE	DATE/COUNTY
1	SIGN: <i>[Signature]</i> PRINT: Paulene Stonum	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 30130X1255 CITY OR TOWN: Rapid City SD 57709	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
2	SIGN: <i>[Signature]</i> PRINT: Susan Bettelyoun	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2900 Orchard Ln #2 CITY OR TOWN: Rapid City SD 57703	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Penn.
3	SIGN: <i>[Signature]</i> PRINT: Jordan Newman	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 709 E. Inamosa #301 CITY OR TOWN: Rapid city SD	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
4	SIGN: <i>[Signature]</i> PRINT: Kelly Ayeem	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 6400 Southside Dr CITY OR TOWN: Rapid City	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Penn.
5	SIGN: <i>[Signature]</i> PRINT: WALT DENSON	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 4300 CIRCULAR DR CITY OR TOWN: RAPID CITY	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: PENN.
6	SIGN: <i>[Signature]</i> PRINT: Donald CRITES	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 6875 AXCADIA CITY OR TOWN: SUMNER	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: PENN
7	SIGN: <i>[Signature]</i> PRINT: BRUCE TRASKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 840 N. Spruce #147 CITY OR TOWN: Rapid City	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
8	SIGN: <i>[Signature]</i> PRINT: Kathy Tripp	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 840 N. Spruce #147 CITY OR TOWN: Rapid City	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
9	SIGN: <i>[Signature]</i> PRINT: Rhannon Wright	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2010 Ash Ave #28 CITY OR TOWN: Rapid City, SD 57703	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
10	SIGN: <i>[Signature]</i> PRINT: Stan Teneaux	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 278 143rd Ave #26 CITY OR TOWN: Rapid City	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
11	SIGN: <i>[Signature]</i> PRINT: R. ZKEAT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2436 Ambush Park Rd CITY OR TOWN: Rapid City	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
12	SIGN: <i>[Signature]</i> PRINT: Heath A. Freeman	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 23054 175th Ave. CITY OR TOWN: Omaha	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington
13	SIGN: <i>[Signature]</i> PRINT: Michelle Ceretti	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 11 Weibach Dr CITY OR TOWN: Rapid City SD 57701	DATE OF SIGNING: 4-11-09 COUNTY OF REGISTRATION: Pennington

NAME		RESIDENCE	DATE/COUNTY
SIGN 14 PRINT	<u>Joe Ceretti</u> JOE ceretti	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>11 NAVADA DR</u> CITY OR TOWN <u>RAPID CITY</u>	DATE OF SIGNING <u>4-11-09</u> COUNTY OF REGISTRATION <u>PENNA.</u>
SIGN 15 PRINT	<u>Theresa Lee</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>2635 Cottonail Dr. #300</u> CITY OR TOWN <u>Sturgis, SD 57785</u>	DATE OF SIGNING <u>4-11-09</u> COUNTY OF REGISTRATION <u>Meade</u>
SIGN 16 PRINT	<u>Patrick Thornton</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>5040 Heather Ln</u> CITY OR TOWN <u>Rapid City SD 57703</u>	DATE OF SIGNING <u>4-11-09</u> COUNTY OF REGISTRATION <u>Penn</u>
SIGN 17 PRINT	<u>Mya Thornton</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>5040 Heather Lane</u>	DATE OF SIGNING <u>4-11-09</u>

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Lisa Knaub 14670 Cordes Lane Rapid City So. Dak.
Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was affirmatively violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Lisa Knaub
Signature of Circulator

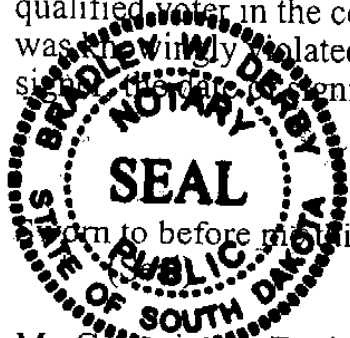
Seen to before me this 29th day of MAY, 2009

My Commission Expires 3-8-2011

Form Revised 2007 - 5:02:08:08

Bradley W. Roberts
Signature of Officer Administering Oath
NOTARY PUBLIC
Title of Officer Administering Oath

?



NAME		RESIDENCE	DATE/COUNTY
SIGN 14 PRINT	<i>Les Kause</i> Les Kause	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1716 S Aberdeen Cir CITY OR TOWN SIOUX FALLS SD 57106	DATE OF SIGNING 4/27/09 COUNTY OF REGISTRATION Minnehaha
SIGN PRINT	<i>Brian Bissel</i> Brian Bissel	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 2126 S Dakota CITY OR TOWN SIOUX FALLS SD 57105	DATE OF SIGNING 4/28/09 COUNTY OF REGISTRATION
SIGN 16 PRINT	<i>Carey Borgstrom</i> Carey Borgstrom	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 304 N. Hiwanis Ave Apt 301 CITY OR TOWN	DATE OF SIGNING 4-28-09 COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Dustin Wastell Residence Address 314 Birch Ave City Brookings State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Dustin Wastell ; ID - Drivers License

[Signature]
Signature of Circulator

Sworn to before me this 16 day of June 2009.
(Seal)

My Commission Expires 1-31-12

Form Revised 2007 - 5:02:08:08



PAMELA M. RICE

NOTARY PUBLIC - MINNESOTA

My Commission Expires 01-31-2012

[Signature]
Signature of Officer Administering Oath

Administering Oath

3	SIGN <u>KRISTIN MATTSO</u> PRINT <u>Kristin Matts</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>3440 Correll</u> CITY OR TOWN <u>R R SD</u>	DATE OF SIGNING <u>4/11/09</u> COUNTY OF REGISTRATION <u>Remi</u>
4	SIGN <u>CRAY E. MATTSO</u> PRINT <u>CRAY E. MATTSO</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>DITTO</u> CITY OR TOWN <u>DITTO</u>	DATE OF SIGNING <u>4/11/09</u> COUNTY OF REGISTRATION <u>Remi</u>
5	SIGN <u>CHRIS SISKKA</u> PRINT <u>CHRIS SISKKA</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>3721 SCANDIPITY LANE</u> CITY OR TOWN <u>Rapid City SD</u>	DATE OF SIGNING <u>4-11-09</u> COUNTY OF REGISTRATION <u>PENN</u>

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Peggy Clarke Residence Address 1010 E St City Rapid City State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

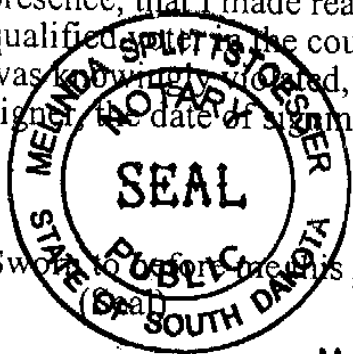
Signature of Circulator Peggy Clarke

Sworn to before me this 28 day of MAY, 09.

Signature of Officer Administering Oath

Title of Officer Administering Oath

My Commission Expires February 12, 2015



27	SIGN <i>Ron Van Hoon</i> PRINT Ron Van Hoon	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 901 E Bell Ave CITY OR TOWN MILBANK S.D.	DATE OF SIGNING 4/18/2009 COUNTY OF REGISTRATION Grant
28	SIGN <i>Dennis J Murphy</i> PRINT DENNIS J MURPHY	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 70150 65T CITY OR TOWN MILBANK S.D. 57252	DATE OF SIGNING 11-18-2009 COUNTY OF REGISTRATION Grant
29	SIGN <i>Myrna Bell</i> PRINT Myrna Bell	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 48137 155th St CITY OR TOWN MILBANK S.D.	DATE OF SIGNING Grant COUNTY OF REGISTRATION 4-21-09

VERIFICATION BY PERSON CIRCULATING PETITION

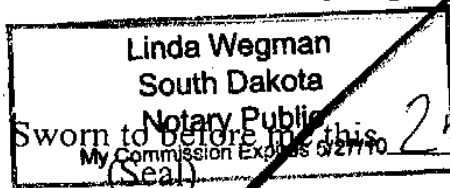
INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Carlotta Colby Residence Address 6613 W. Pine Meadows Pl. City Sioux Falls State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Carlotta Colby
Signature of Circulator

Linda Wegman
Signature of Officer Administering Oath
Notary
Title of Officer Administering Oath



Sworn to before me this 2nd day of June, 2009.

My Commission Expires 5/27/10

27 SIGN Patricia McCann PRINT Patricia McCann	1705 Ery STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER Tyndall, SD CITY OR TOWN	Bonhomme DATE OF SIGNING 4-29-09 COUNTY OF REGISTRATION
28 SIGN Debra Conrad PRINT Debra Conrad	211 W. 14TH STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER Tyndall S.D. CITY OR TOWN	Bonhomme DATE OF SIGNING 5-1-09 COUNTY OF REGISTRATION
29 SIGN PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	Bonhomme DATE OF SIGNING COUNTY OF REGISTRATION
30 SIGN PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Shirley J. Mann 203 West 17TH AVE Tyndall So. Dak.
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

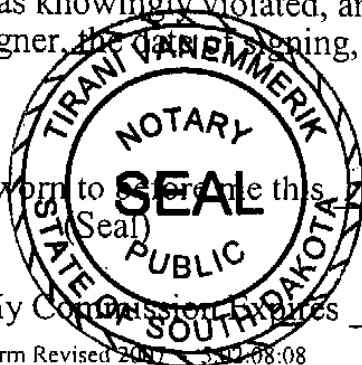
Shirley J. Mann
 Signature of Circulator

Sworn to before me this 20th day of April, 2009.

My Commission Expires 4/7/11

Form Revised 2007 3-22-08:08

Tom Van Dine
 Signature of Officer Administering Oath
 Notary Public
 Title of Officer Administering Oath



VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator

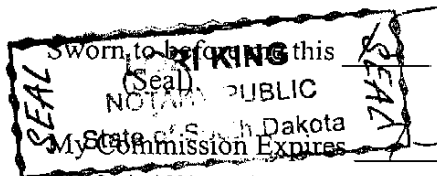
Kelle Cotton 2802 W. RAPID ST. Rapid City SD 57702

Residence Address

City

State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.



Sworn to before me this June day of June

12-13

Signature of Circulator

Signature of Officer Administering Oath

Title of Officer Administering Oath

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator

BOYO GILLEGAN 507 STATE AVE L Estelline SD

Residence Address

City

State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this 4 day of May, 2009
(Seal)

My Commission Expires

Form Revised 2007 - 5:02:08:08

Signature of Circulator

Signature of Officer Administering Oath

Title of Officer Administering Oath

SIGN 7 PRINT <i>Orville Roberts</i> ORVILLE ROBERTS	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 615 6th St NE CITY OR TOWN Watertown, SD	CODINGTON DATE OF SIGNING 4-15-09 COUNTY OF REGISTRATION Codington
SIGN 8 PRINT <i>Andrey Luker</i> ANDREY LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr, #312 CITY OR TOWN Watertown, SD	Codington DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION Codington
SIGN 9 PRINT <i>Vern Luker</i> VERN LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr #312 CITY OR TOWN WATERTOWN, SD	Codington DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION Codington
SIGN 10 PRINT <i>Paul Luker</i> PAUL LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 550 Summit Ave NW CITY OR TOWN Watertown, SD	Codington DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION Codington

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Paul Luker, 550-Summit Ave NW, Watertown, SD

Residence Address 550-Summit Ave NW City Watertown State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Paul Luker
Signature of Circulator

Sworn to before me this 16 day of April, 2009.
(Seal)

Andrey Luker
Signature of Officer Administering Oath

My Commission Expires 8/13/09

Notary
Title of Officer Administering Oath

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

BARBARA J EDWARDS 12170 Camp Rd Costa SD
Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Signature of Circulator

Sworn to before me this _____ day of _____,
(Seal)

My Commission Expires _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

IMPORTANT REMINDERS

- Give petition processing top priority.
- Notify candidate that petition was filed.
- Campaign Finance “Statement of Financial Interest” is required for 1st class municipalities and schools with more than 2,000 enrollment.
- Check registration and residency of candidate.

PETITION CHALLENGE LAW

- Any person may challenge within 5 working days after any type of petition is filed.
- Must file affidavit stating deficiencies.
- Person in charge of election verifies information provided in affidavit.
- Notify petitioner if petition is rejected based on the challenge.
- Does not prevent any other legal remedy.

Questions?



The background is a solid blue color. On the right side, there are several white snowflake icons of varying sizes and orientations, some of which are semi-transparent, creating a decorative winter-themed border.

Vacancies

HOW IS A VACANCY CREATED?

- RESIGNATION
- Change of residence
- Death
- Removal from office
- Failure to qualify
- Criminal conviction involving violation of oath
- Judgment against incumbent for breach of bond
- Military call up
- Incapacitation- *by illness or accident*

HOW ARE VACANCIES FILLED?

- SDCL 9-13-14.1
- Appointment
 - Remember in Aldermanic form the appointment must be from the same ward
 - Easier, faster process and less costly
- Special Election
- Temporary Replacement
(SDCL 3-4-8, 3-4-9)

HOW ARE VACANCIES FILLED?

- Remaining members shall appoint a replacement to serve until the next annual municipal election
 - The key is to keep track of the term when there has been an appointment
 - The Mayor can make a recommendation but the remaining members vote
 - There are no advertising rules
 - Discourage councils from waiting until the next annual election to fill the position

PROCEDURE TO FILL VACANCY BY SPECIAL ELECTION

- Governing body creates an ordinance requiring that any vacancy on the governing body or in the office of the Mayor is to be filled by special election.
- Election not to be held less than 90 days before the annual municipal election.
- Finance Officer will *publish a notice that a vacancy exists* and will be filled by special election, the date of election, time and place where nominating petitions may be filed for the office.

PROCEDURE TO FILL VACANCY BY SPECIAL ELECTION

- Notice shall be published 2 consecutive weeks beginning 60 days before the date of the special election.
- Nominating petitions prepared and filed as usual according to SDCL9-13-7, and filed at least 30 days before the date of the elections.
- Notice of special election published as usual according to SDCL 9-13-13 and 9-13-14.

PROCEDURE TO FILL VACANCY BY TEMPORARY REPLACEMENT

- In the cases of Military call-up (SDCL 3-4-8) or Incapacitation (SDCL 3-4-9):
 - The member temporarily resigns
 - A temporary replacement is made by appointment
 - The replacement serves until the original member returns or the member's term expires, which ever comes first
 - If the replacement serves until the original members term expires and no one files for the position, then the "incumbent" (original member) still serves. The temporary replacement would then need to be re-appointed to serve until the original member returns.

WHAT IF NO ONE FILES?

- If no one files a nominating petition for replacement of an incumbent, the incumbent can:
 - Continue in office for an entire new term
 - Resign, creating a vacancy
- Thus, if no one runs for office, a vacancy does not exist unless the incumbent declines to remain in office.
- If no one files for the appointed person's office, then that person becomes the incumbent and finishes the remainder of the term or start a whole new term.
- The incumbent automatically carries over if no one files.

WHEN IS A TERM CONCLUDED?

- Aldermanic: Shall hold office until successors are elected and qualified.
(SDCL 9-8-4)
- Commissioner: As determined by ordinance.
(SDCL 9-9-3)
- Trustee: Shall hold office for three years and until their successors are elected and qualified.
(SDCL 9-7-3)

SCHOOL VACANCIES

- A resignation shall not be effective until the successor is appointed and qualified as prescribed by law.

(SDCL 13-8-24)

- Any vacancy occurring on a school board shall be filled by appointment by the remaining school board members.

- The appointee will serve until the next succeeding election at which time a successor shall be elected to serve the unexpired term.

(SDCL 13-8-25)

Questions?

